

Heath A Fortenberry
180 Peachtree St.
Brandon, MS 39042

October 1, 2004

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Sir or Madam:

Regarding proceeding 04-295, the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services, I am submitting my comments on this matter.

Law enforcement should extend on the capabilities of software like Carnivore instead of forcing ISPs to pay to have their systems configured, and software implemented to meet this requirement. This would save the American People on their ISP bills. We all know that if ISPs are forced to implement this requirement that their customers, the American People, will pay for it many times over.

Packet sniffing technology is widely available; it could be extended easily to give an agent who is plugged into an ISPs network a front row seat view of every webpage viewed, email sent or received, or chat sessions between targets. The system could even be designed to allow plug-in modules that extend the systems snooping capability for new forms of internet communications. Having this software in house with law enforcement would mean that it is standardized and all agents will be able to get the functionality they desire on the scene. Having ISPs implement this could possibly put agents in a position where the software is not well known, or does not provide the functionality the agent expected. Also, extending these ISP implemented systems for new forms of internet communications would be once again costly to the American People as costs are passed on to them.

I do not feel that these measures will be effective when snooping on targets that are intent on evading law enforcement. Encryption software is easily available any where in the world in the form of executables or ready to compile source code. I do not believe law enforcement has the computing power to break the encryption in real time, thus ending an agent's ability to snoop on a target. Intercepting communications that are encrypted with strong encryption algorithms will require immense computing resources that would probably only reveal information long after an act has been carried out. Therefore I am opposing these measures as they are a waste of time and the American Peoples hard earned money.

Sincerely,

Heath A Fortenberry